

REMARKS

Foreign Priority:

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Claim Objections:

Applicant thanks the Examiner for withdrawing the objection to the claims.

Claim Rejections:

Claims 1-7 and 21, 26 and 27 are all of the claims that have been examined in the present application, and currently all of these claims stand rejected. New claim 28 has been added.

35 U.S.C. § 102(e) Rejection - Claims 1-3, 6-7, 21, 26 and 27:

Claims 1-3, 6-7, 21, 26 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,360,174 to Shoki. Applicant notes that claim 4 has been cancelled. In view of the following discussion, Applicant respectfully traverses the above rejection.

As discussed previously, Shoki discloses a system which monitors/calculates the amount of ink remaining in an ink cartridge 1, through the use of a ID data system 10 and an ink quantity calculating section 2. See Figure 1, and col. 3, line 64 to col. 4, line 60. Essentially, the system uses the ID data 10 to identify the quantity of ink within the cartridge 1 and then monitors its use during printing so as to warn the user that the ink quantity may be low. See *id.*

However, Applicant notes that there is no disclosure of any capability to differentiate between ink that was used in printing, and ink that was not used in printing. In fact, because of this, the system in Shoki will not provide the user with an accurate reading of the level of ink within the cartridge. Stated differently, the Shoki system only determines the amount of ink left in a cartridge based on the original capacity of the cartridge and the number of ink dots printed.

In the Examiner's comments, the Examiner appears to have misunderstood the present invention and Applicants arguments. Essentially, it appears that the Examiner's argument is that Shoki determines the amount of ink left in the cartridge (as discussed above) and that "ink left [in] the cartridge is ink not used in actual printing or ink in non-printing operation." *See Office Action*, page 5.

Although Applicant agrees with the Examiner that ink left over in the cartridge is ink "not used in actual printing," the Examiner's comments have ignored an aspect of the present invention. Namely, the Examiner has ignored the claim language which makes it clear that the ink to be measured is ink that has been "consumed." Stated differently, the present invention does not simply measure ink that was not used in a printing operation (which could be simply unused ink), but measures ink that has been "consumed" in a non-printing operation.

This is in no way disclosed in Shoki, which is no more relevant than the prior art referenced in the present application. The present invention measures ink that is "consumed" in a non-printing operation, for example during maintenance. With this, it is possible to differentiate between ink that was not used in printing, and ink that was used in printing. This can not be accomplished in Shoki.

As stated above, Shoki's system determines the amount of ink left in a cartridge based only on the original capacity of the cartridge and the number of ink dots printed. There is no consideration taken for ink that is lost during a maintenance procedure or ink that is not used in a printing operation. There is no consideration of ink which has been "consumed" in a non-printing operation. Shoki simply does not disclose the present invention.

In view of the foregoing, Applicant submits that Shoki fails to disclose each and every feature of the claimed invention, as set forth in claims 1, 21 and newly added claim 28. Namely, Shoki does not disclose obtaining information on a printing agent that is consumed, but not consumed during a printing operation. Therefore, Applicant submits that Shoki fails to anticipate the claimed invention as set forth in claims 1 and 21, and hereby requests the Examiner reconsider and withdraw the 35 U.S.C. § 102(e) rejection of these claims. Further, as claim 28 incorporates a similar limitation, this claim is also allowable. Finally, claims 2-3, 6-7 and 26-27 are also allowable, at least by reason of their dependence.

35 U.S.C. § 103(a) Rejection - Claim 5:

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoki in view of U.S. Patent No. 6,334,658 to Suzuki. However, because Suzuki fails to cure the deficient teachings of Shoki with respect to claim 1, Applicant submits that this claim is also allowable, at least by reason of its dependence.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

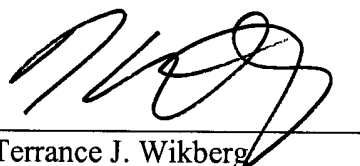
AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/092,616

Our Ref.: Q68810
Art Unit: 2853

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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